

FREQUENTLY ASKED QUESTIONS

WHERE CAN I FILE MY PETITION?

While it is possible to file petitions at any of our three clerk's offices, we prefer that petitions be filed at the court where your case will be heard. Please refer to our "Counties" list to find out which court to file your papers.

HOW MANY COPIES ARE REQUIRED WHEN FILING A PETITION?

Chapter 7 - An original and two (2) copies

Chapter 13 - An original and two (2) copies

Chapter 11 - An original and five (5) copies

Chapter 12 - An original and two (2) copies

WHERE CAN I GET FORMS TO FILE A PETITION?

You can log on to our Web site and print off the petition pages and all schedules. Or you can purchase them from most stationary or office supply stores.

WHAT IS THE FILING FEE FOR FILING A BANKRUPTCY PETITION?

Chapter 7 - \$200.00

Chapter 11 - \$830.00

Chapter 12 - \$230.00

Chapter 13 - \$185.00

WHAT IS THE FILING FEE FOR REOPENING A CASE?

Chapter 7 - \$155.00

Chapter 11 - \$800.00

Chapter 12 - \$200.00

Chapter 13 - \$155.00

CAN I PAY THE FEE IN INSTALLMENTS ?

Yes, you can obtain an Application to Pay Filing Fee in Installments from the clerk's office. Or log into our Web site @ www.ctb.uscourts.gov and look under "forms". Please refer to Bankruptcy Rule 1006(b) for provisions.

DO I NEED AN ATTORNEY TO FILE A PETITION?

No. While it is possible to file a bankruptcy case without the assistance of an attorney it may be difficult to do so successfully. It is recommended that a person considering bankruptcy consult with an attorney prior to filling a case.

IF I CANNOT AFFORD AN ATTORNEY, CAN I GET FREE COUNSELING?

You can apply for pro bono representation (free representation) by obtaining an Application for Pro Bono representation by visiting our web site @ www.ctb.uscourts.gov or visiting the clerk's office in Bridgeport or New Haven.

WHAT CHAPTERS CAN I FILE AND WHAT ARE THE DIFFERENCE BETWEEN THEM?

You can file chapters 7, 11, 12 or 13

Chapter 7 is designed for individuals, corporations and partnerships in financial difficulty who do not have the ability to pay their existing debts. Under chapter 7 the trustee takes possession of all the debtor's non-exempt property, if any, liquidates it for cash and uses the proceeds to pay creditors according to priorities of the bankruptcy code.

Chapter 11 allows a business to reorganize and restructure its finances so it may continue to operate, provide employees with jobs, pay its creditors, and produce a return for its stockholders if any. While chapter 11 is primarily designed for business it is also available to individuals. In a chapter 11 a debtor proposes a plan to creditors which, if accepted by the creditors and approved by the court, will allow a debtor to reorganize.

Chapter 13 enables individuals with regular incomes, under court supervised protection, to repay their debts over an extended period of time. The plan may call for full or partial repayment. Corporations cannot file under chapter 13 of the Bankruptcy Code.

Chapter 12 allows family farmers with financial difficulties to repay debts over a period of time from future earnings. In many ways it is similar to a chapter 13. The eligibility requirements are restrictive and limits its use to those whose debts arises primarily from a family-owned farm.

HOW MANY COPIES ARE REQUIRED WHEN FILING A CHAPTER 11 PLAN ?

An original and five (5) copies.

HOW MANY COPIES ARE REQUIRED WHEN FILING A CHAPTER 13 PLAN ?

An original and two (2) copies.

HOW DO I FIND OUT IF A PARTY HAS FILED A BANKRUPTCY PETITION ?

You can call the automated voice case information system (VCIS) at 1-800-800-5113. Or you can access our PACER or RACER systems which is discussed at www.ctb.uscourts.gov

HOW DO I GET GENERAL INFORMATION ON A CASE ?

If you have RACER/PACER access, you can access the case information by entering the case number or name. If you do not have access, you can call the clerks office for general information. If the information requested requires a search, there may be a search fee of \$20.00 requested before the information can be given.

HOW CAN I OBTAIN COPIES OF DOCUMENTS FILED ON A PENDING CASE ?

You can obtain copies three ways:

- 1) If you have access to our RACER system, you can access the case and print off copies of any documents on the case. (Only cases filed after 1998 will be available through the RACER system).
- 2) You can come into the clerks office where the case is filed and either make copies @.25 per page for cases filed prior to 1998 or make copies @.10 per page for cases filed after 1998 or
- 3) you can make your request in writing. If you make your request in writing, there may be an additional \$20.00 search fee in addition to the \$.50 per page charge.

HOW DO I OBTAIN COPIES OF DOCUMENTS FILED ON A CLOSED CASE ?

You can obtain copies three ways:

- 1) If you have access to our RACER system, you can access the closed case and print off copies of any documents on the case. (Only cases filed after 1998 will be available through the RACER system)
- 2) If the case has NOT BEEN ARCHIVED, you can come into the clerks office where the case is filed and either make copies @\$.25 per page or .
- 3) Make your request in writing. If you make your request in writing, there may be an additional \$20.00 search fee in addition to the \$.50 per page charge. IF the case HAS BEEN ARCHIVED visit our web site @ www.ctb.uscourts.gov and under “forms” go to the item #25 Request form to obtain copies of archived bankruptcy cases you will be able to print instructions for obtaining copies of these cases. If you elect to use this form, you must call the clerks office to obtain the *accession* and *box* numbers required to complete the form

HOW CAN I OBTAIN COPIES OF AN ORDER OF DISCHARGE ON A CASE AFTER IT IS CLOSED?

You can access our RACER system or call the clerk’s office to request a copy. The way in which you receive the copy will very depending on if the case is archived or imaged. There may be a \$.50 charge for the copy.

HOW CAN I OBTAIN COPIES OF A TRANSCRIPT OR A TAPE OF A HEARING ?

Call or visit the clerk’s office and fill out the transcript request form. There is a charge of \$3.00 per page which will be due upon receipt of the transcript. There is a \$5.00 per tape charge. All request for transcripts must contain a signature form the requestor.

HOW DO I CHANGE INFORMATION ON MY BANKRUPTCY SCHEDULES AFTER THEY ARE FILED ?

You can file an amendment to schedules by filing ONLY the schedules that are being amended. Each schedule being amended should be clearly labeled “amended”. There is only a filing fee of \$20.00 if your amendment is adding creditors which were omitted from the original filing.

HOW CAN I FIND OUT IF I AM LISTED AS A CREDITOR ON A BANKRUPTCY PETITION ?

If you have access to out PACER or RACER system, you can access the case and view the schedules. If you do not have access, you can either visit the clerk’s office and view the file or request the information in writing. Please note that if you request the information in writing, it is considered a search and a \$20.00 search fee will be charged.

CAN I FAX DOCUMENTS TO THE CLERK’S OFFICE FOR FILING ?

Fax copies are not accepted for filing unless it is per a judges instruction.

HOW DO I INITIATE AN ADVERSARY PROCEEDING ?

You file a complaint, cover sheet and \$150.00 filing fee.

DO I HAVE TO NOTIFY MY CREDITORS THAT I HAVE FILED ?

No. Once the petition is filed, the clerk’s office will notify all creditors listed on the schedules by way of sending the hearing notice for the meeting of creditors.

HOW DO I GET ADMITTED TO PRACTICE IN THIS BANKRUPTCY COURT IF I AM AN OUT OF STATE ATTORNEY ?

An attorney who is not admitted to the Federal District Court Bar in the District of Connecticut may be permitted to participate in a case only submission of a motion for entry of appearance Pro Hac Vice. The motion should be filed by an attorney with a local address on behalf of the out of state attorney and shall contain an affidavit of good standing . There is a \$25.00 filing fee for this motion.

WHAT IS A DISCHARGE ?

A discharge is a court order discharging certain debts. It eliminates a debtor's legal obligation to pay a debt that is discharged. Most, but not all types of debts are discharged if the debts were listed on the date the bankruptcy case was filed. The discharge order prohibits any attempt to collect from the debtor a debt that has been discharged. For example, a creditor is not permitted to contact a debtor by phone or otherwise to file or continue a lawsuit to attach wages or other property or to take any other action to collect a discharged debt from the debtor. A creditor who violates this order can be required to pay damages and attorney fees. *Note: this information is only a general summary of the bankruptcy charge. There are exception to these general rules. Because the law is complicated, you may want to consult an attorney to determine the exact effect of the discharge in a particular case.*

HOW LONG DOES A BANKRUPTCY REMAIN ON MY CREDIT REPORT ?

The fact that an individual filed bankruptcy can remain on a credit report no more than ten(10) years under provisions of the Fair Credit Reporting Act. *Note: while this information presented is accurate as of the date of publication it should nor be cited or relied upon as legal authority. It is recommended that legal advice be obtained from an attorney.*